

5/21/2022 11:03 AM

Sen. Roger Chamberlain and Legislative Leaders,

Thank you for responding to our request from 5/20, including an additional House provision on the list of fiscal items in your latest offer and including additional policy items we have shared agreement on.

The House has provided a list of shared policy items with the Senate that are acceptable for adoption into the Committee Report. We discussed yesterday agreement between both bodies on the Recess for All provision and the K-3 suspension ban language from the Senate during the 2021 session. Last year we also had shared agreement on the Increase Teachers of Color Act, so in light of not moving forward with funding in that area the House advocates for adopting needed policy language connected to this package.

You will see a list of these items which we believe are agreeable to both sides labeled 'additional policy items proposed for adoption'. Also attached are the necessary amendment language to accurately reflect these provisions.

In an effort to finalize a package between the House and Senate, the House is presenting a fiscal package that is a paired down list that features Senate priorities and House priorities. As you indicated this process is a joint process and we both need to show significant movement towards an agreement that can be accepted by both bodies. The House offer provides this movement to reach a final deal.

We appreciate the Senate's continued recognition of the importance of the Special Education cross-subsidy and continue to believe we are making progress towards funding the needs of students across the state.

Chair Davnie

**2022 Legislature - Education Finance**

House Offer 5/21/2022

HF4300/SF4113 - Education Finance & Policy Omnibus Bills

All Numbers in Thousands

Line No.	Program	A	B
		House 5/21 FY 2022-23	House 5/21 FY 2024-25
9			
10	<b><u>House Offer</u></b>		
11			
12	<u>Compensatory Revenue Adjustment</u>	5,021	0
13	Computer Science Blueprint	20	0
14	<u>Early Learning Scholarships</u>	14,567	44,000
15	Hourly School Workers UI (CTE Levy Equalization)	0	56,000
16	Level 4 Mental Health Innovative Grant Program	9,000	18,000
17	Literacy	[56,200]	[5,400]
18	LETRS*	52,500	0
19	Regional Centers/Service Cooperatives	700	1,400
20	BOLD - Literacy Unit Admin	800	1,600
21	BOLD - Expand Literacy & Dyslexia Data Collection	1,200	2,400
22	Network for the Dev. of Children of African Descent**	1,000	0
23	School Meals Aid	8,293	16,493
24	<u>Special Education Cross-Subsidy Reduction Aid Increase</u>	196,139	464,645
25	Student Support Personnel Aid	30,760	75,462
26			
27	<b>Total</b>	<b>320,000</b>	<b>680,000</b>
28			
29	<b>Targets</b>	<b>320,000</b>	<b>680,000</b>

Note:

\*The House position makes the FY2023 LETRS appropriation available through FY2025, and allows funds to be encumbered and spent through FY2027 for teachers who have registered but not completed training by June 30, 2025.

\*\*The House position makes the FY2023 appropriation for the Network for the Development of Children of African Descent available until June 30, 2025.

**Consensus policy items proposed for adoption - 5/21/22**

From HF4300-4E

Article	Section	Subject
1	4	Definition. (Site decision-making; individualized learning agreement; other agreements)
1	5	Board members' right to employment
1	9	Board Control (pupil transportation)
1	53	Repealer
2	8(i)	Physical education standards review and revision delay
2	24	Limits on local testing
2	47	PSEO Gag Rule
2	48	Courses according to agreements (PSEO act)
2	78, 83 subd. 16	Sanneh Foundation
2	84	Revisor instruction
3	3	Shortage area (definition)
3	4	Survey of districts (reports)
3	32	Teacher supply and demand report
4	10	Admission requirements and enrollment
4	14	School closures: payments (payment of aids to charter schools)
7	3	Fund transfer; Burnsville-Eagan-Savage school district
7	4	Lease levy for transportation hub; Eastern Carver County school district
8	2	Summer Food Service Program and Child and Adult Care Food Program integrity modifications
8	6	Services to people with visual and physical disabilities. (Department of Education; library responsibilities)
8	16	Revisor instruction
11	2	Qualifications (school trust lands director)
11	3	Duties; powers. (School trust lands director)
12	ALL	Forecast Article

**Additional policy items proposed for adoption - 5/21/22**

*From HF4300-4E*

Article	Section	Subject	Note
2	14, 44	Recess For All	
*	Unofficial 1st Engrossment of HF1065, Art. 2, Sec 12.	K-3 Suspension Ban	As found in amendment H4300A49
3	1	State Goal of increasing the percentage of teachers of color and American Indian teachers in Minnesota.	
3	21	CUGMEC	
3	22	TOCI Teacher Mentorship and Retention	

**Sections related to items on the spreadsheet - House Offer #4, 5/21/22**

From HF4300-4E

Article	Section	Subject	Note
1	50	Compensatory Revenue Adjustment	
2	82	Computer Science Blueprint	
2	20, 45, 67, 83 subd. 3(a)	BOLD Literacy Program	
*	*	Service Cooperatives / Regional Centers	as amended by the H4300A48 amendment
2	83 subd. 3(b)	BOLD - LETRS	
2	83 subd. 3(c)	BOLD - Literacy Unit Admin	
2	83 subd. 3(d)	BOLD - Expand Literacy & Dyslexia Data Collection	
2	83 subd. 14	Network for the Development of Children of African Descent	
5	5, 7	Special Education Cross-Subsidy Reduction Aid Increase	
6	8	Student Support Personnel Aid	
6	10 subd. 3	Level 4 Mental Health Innovative Grant Program	
8	1, 4	School Meals Aid	
9	13, 14	Early learning scholarships; eligibility and priority groups	as amended by the H4300A43 amendment
*	<a href="#">UE SF2677</a>	Unemployment Insurance for Hourly School Workers	as amended by the H4300A47 amendment

1.1 ..... moves to amend H.F. No. 4300, the fourth engrossment, in conference  
1.2 committee, as follows:

1.3 On R183, House language, (H4300-4)

1.4 Page 203, after line 33, insert:

1.5 **"EFFECTIVE DATE. Paragraph (e) is effective for revenue for fiscal year 2024 and**  
1.6 **later."**

1.7 On R189, House language, (H4300-4)

1.8 Page 209, delete section 2

1.9 Page 210, delete section 3

1.10 On R198, House language, (H4300-4)

1.11 Page 220, delete section 12 and insert:

1.12 "Sec. 12. Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6, is  
1.13 amended to read:

1.14 Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,  
1.15 paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school  
1.16 district or charter school must not exceed 60 percent of the kindergarten pupil units for that  
1.17 school district or charter school under section 126C.05, subdivision 1, paragraph (e).

1.18 (b) In reviewing applications under subdivision 5, the commissioner must limit the total  
1.19 number of participants in the voluntary prekindergarten and school readiness plus programs  
1.20 under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160  
1.21 participants ~~for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for~~  
1.22 ~~fiscal years 2024 and later~~ per fiscal year.

- 2.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and
- 2.2 later."
- 2.3 On R205, House language, (H4300-4)
- 2.4 Page 228, delete line 20
- 2.5 Page 228, line 21, reinstate the stricken "(1)" and delete "(2)"
- 2.6 Page 228, line 23, reinstate the stricken "(2)" and delete "(3)"
- 2.7 Renumber the clauses in sequence
- 2.8 On R206, House language, (H4300-4)
- 2.9 Page 229, lines 6 to 16 and 30 to 33, reinstate the stricken language
- 2.10 Page 229, line 30, strike "(f)" and insert "(g)"
- 2.11 Page 230, lines 1 and 2, reinstate the stricken language
- 2.12 On R208, House language, (H4300-4)
- 2.13 Page 231, line 26, reinstate the stricken language and delete the new language
- 2.14 Page 231, line 27, reinstate the stricken language
- 2.15 Page 231, line 28, reinstate the stricken language and delete the new language
- 2.16 Page 231, line 29, delete the new language
- 2.17 Page 232, line 7, reinstate "(i)" and reinstate "a prekindergarten pupil who:"
- 2.18 Page 232, reinstate line 8
- 2.19 On R209, House language, (H4300-4)
- 2.20 Page 232, lines 9 to 16, reinstate the stricken language
- 2.21 Page 232, line 17, after "later" insert ", except paragraph (i) is effective for revenue for
- 2.22 fiscal year 2024 and later"
- 2.23 Page 232, line 20, strike "(a)"
- 2.24 Page 232, lines 24 to 26, delete the new language and strike the old language
- 2.25 Page 232, line 27, delete "2023" and insert "2024"
- 2.26 Page 233, delete lines 10 to 14
- 2.27 On R210, House language, (H4300-4)
- 2.28 Page 233, line 15, delete "(d)" and insert "(c)"

- 3.1 Page 234, delete section 21
- 3.2 On R214, House language, (H4300-4)
- 3.3 Page 238, delete subdivision 10
- 3.4 Page 238, delete section 23
- 3.5 Renumber the sections in sequence and correct the internal references
- 3.6 Amend the title accordingly



1.1 ..... moves to amend H.F. No. 4300, the fourth engrossment, in conference  
1.2 committee, as follows:

1.3 On R14, House language, (H4300-4)

1.4 Page 18, line 7, before "A" insert "For taxes payable in years prior to 2023,"

1.5 Page 18, line 14, strike "less its career and technical levy"

1.6 On R30, House language, (H4300-4)

1.7 Page 36, after line 5, insert:

1.8 "Sec. 43. Minnesota Statutes 2020, section 126C.43, subdivision 2, is amended to read:

1.9 Subd. 2. **Payment to unemployment insurance program trust fund by state and**  
1.10 **political subdivisions.** (a) A district may levy the amount necessary (1) to pay the district's  
1.11 obligations under section 268.052, subdivision 1, and (2) to pay for job placement services  
1.12 offered to employees who may become eligible for benefits pursuant to section 268.085 for  
1.13 the fiscal year the levy is certified.

1.14 (b) Districts with a balance remaining in their reserve for reemployment as of June 30,  
1.15 2003, may not expend the reserved funds for future reemployment expenditures. Each year  
1.16 a levy reduction must be made to return these funds to taxpayers. The amount of the levy  
1.17 reduction must be equal to the lesser of: (1) the remaining reserved balance for reemployment,  
1.18 or (2) the amount of the district's current levy under paragraph (a).

1.19 (c) A district that is a member of an intermediate school district or other cooperative  
1.20 unit under section 123A.24, subdivision 2, may include in its authority under this section  
1.21 the costs associated with qualifying obligations under paragraph (a) for the cooperative unit.  
1.22 Revenue raised under this paragraph must be transferred to the cooperative unit.

1.23 **EFFECTIVE DATE.** This section is effective for taxes payable in 2023 and later."

2.1 Page 36, after line 10, insert:

2.2 "Sec. 45. Minnesota Statutes 2020, section 268.085, subdivision 7, is amended to read:

2.3 Subd. 7. **School employees; between terms denial.** (a) Wage credits from employment  
2.4 with an educational institution or institutions may not be used for unemployment benefit  
2.5 purposes for any week during the period between two successive academic years or terms  
2.6 if:

2.7 (1) the applicant had employment for an educational institution or institutions in the  
2.8 prior academic year or term; and

2.9 (2) there is a reasonable assurance that the applicant will have employment for an  
2.10 educational institution or institutions in the following academic year or term.

2.11 This paragraph applies to a vacation period or holiday recess if the applicant was  
2.12 employed immediately before the vacation period or holiday recess, and there is a reasonable  
2.13 assurance that the applicant will be employed immediately following the vacation period  
2.14 or holiday recess. This paragraph also applies to the period between two regular but not  
2.15 successive terms if there is an agreement for that schedule between the applicant and the  
2.16 educational institution.

2.17 This paragraph does not apply if the subsequent employment is substantially less  
2.18 favorable than the employment of the prior academic year or term, or the employment prior  
2.19 to the vacation period or holiday recess.

2.20 (b) Paragraph (a) does not apply to an applicant who, at the end of the prior academic  
2.21 year or term, had an agreement for a definite period of employment between academic years  
2.22 or terms in other than an instructional, research, or principal administrative capacity and  
2.23 the educational institution or institutions failed to provide that employment.

2.24 (c) Paragraph (a) does not apply to the period between successive academic years or  
2.25 terms if the applicant's wage credits were in a position for which no license is required by  
2.26 the Professional Educator Licensing and Standards Board or the Board of School  
2.27 Administrators in the employment of an employer defined in section 123A.24, subdivision  
2.28 2, or section 123A.55.

2.29 ~~(e)~~ (d) If unemployment benefits are denied to any applicant under paragraph (a) who  
2.30 was employed in the prior academic year or term in other than an instructional, research,  
2.31 or principal administrative capacity and who was not offered an opportunity to perform the  
2.32 employment in the following academic year or term, the applicant is entitled to retroactive  
2.33 unemployment benefits for each week during the period between academic years or terms

3.1 that the applicant filed a timely continued request for unemployment benefits, but  
3.2 unemployment benefits were denied solely because of paragraph (a).

3.3 ~~(d)~~ (e) This subdivision applies to employment with an educational service agency if  
3.4 the applicant performed the services at an educational institution or institutions. "Educational  
3.5 service agency" means a governmental entity established and operated for the purpose of  
3.6 providing services to one or more educational institutions.

3.7 ~~(e)~~ (f) This subdivision applies to employment with Minnesota, a political subdivision,  
3.8 or a nonprofit organization, if the services are provided to or on behalf of an educational  
3.9 institution or institutions.

3.10 ~~(f)~~ (g) Paragraph (a) applies beginning the Sunday of the week that there is a reasonable  
3.11 assurance of employment.

3.12 ~~(g)~~ (h) Employment and a reasonable assurance with multiple education institutions  
3.13 must be aggregated for purposes of application of this subdivision.

3.14 ~~(h)~~ (i) If all of the applicant's employment with any educational institution or institutions  
3.15 during the prior academic year or term consisted of on-call employment, and the applicant  
3.16 has a reasonable assurance of any on-call employment with any educational institution or  
3.17 institutions for the following academic year or term, it is not considered substantially less  
3.18 favorable employment.

3.19 ~~(i)~~ (j) A "reasonable assurance" may be written, oral, implied, or established by custom  
3.20 or practice.

3.21 ~~(j)~~ (k) An "educational institution" is a school, college, university, or other educational  
3.22 entity operated by Minnesota, a political subdivision or instrumentality thereof, or a nonprofit  
3.23 organization.

3.24 ~~(k)~~ (l) An "instructional, research, or principal administrative capacity" does not include  
3.25 an educational assistant.

3.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.27 Sec. 46. Minnesota Statutes 2020, section 268.19, subdivision 1, is amended to read:

3.28 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from  
3.29 any person under the administration of the Minnesota Unemployment Insurance Law are  
3.30 private data on individuals or nonpublic data not on individuals as defined in section 13.02,  
3.31 subdivisions 9 and 12, and may not be disclosed except according to a district court order  
3.32 or section 13.05. A subpoena is not considered a district court order. These data may be

4.1 disseminated to and used by the following agencies without the consent of the subject of  
4.2 the data:

4.3 (1) state and federal agencies specifically authorized access to the data by state or federal  
4.4 law;

4.5 (2) any agency of any other state or any federal agency charged with the administration  
4.6 of an unemployment insurance program;

4.7 (3) any agency responsible for the maintenance of a system of public employment offices  
4.8 for the purpose of assisting individuals in obtaining employment;

4.9 (4) the public authority responsible for child support in Minnesota or any other state in  
4.10 accordance with section 256.978;

4.11 (5) human rights agencies within Minnesota that have enforcement powers;

4.12 (6) the Department of Revenue to the extent necessary for its duties under Minnesota  
4.13 laws;

4.14 (7) public and private agencies responsible for administering publicly financed assistance  
4.15 programs for the purpose of monitoring the eligibility of the program's recipients;

4.16 (8) the Department of Labor and Industry and the Commerce Fraud Bureau in the  
4.17 Department of Commerce for uses consistent with the administration of their duties under  
4.18 Minnesota law;

4.19 (9) the Department of Human Services and the Office of Inspector General and its agents  
4.20 within the Department of Human Services, including county fraud investigators, for  
4.21 investigations related to recipient or provider fraud and employees of providers when the  
4.22 provider is suspected of committing public assistance fraud;

4.23 (10) local and state welfare agencies for monitoring the eligibility of the data subject  
4.24 for assistance programs, or for any employment or training program administered by those  
4.25 agencies, whether alone, in combination with another welfare agency, or in conjunction  
4.26 with the department or to monitor and evaluate the statewide Minnesota family investment  
4.27 program by providing data on recipients and former recipients of Supplemental Nutrition  
4.28 Assistance Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or  
4.29 256K, child care assistance under chapter 119B, or medical programs under chapter 256B  
4.30 or 256L or formerly codified under chapter 256D;

5.1 (11) local and state welfare agencies for the purpose of identifying employment, wages,  
5.2 and other information to assist in the collection of an overpayment debt in an assistance  
5.3 program;

5.4 (12) local, state, and federal law enforcement agencies for the purpose of ascertaining  
5.5 the last known address and employment location of an individual who is the subject of a  
5.6 criminal investigation;

5.7 (13) the United States Immigration and Customs Enforcement has access to data on  
5.8 specific individuals and specific employers provided the specific individual or specific  
5.9 employer is the subject of an investigation by that agency;

5.10 (14) the Department of Health for the purposes of epidemiologic investigations;

5.11 (15) the Department of Corrections for the purposes of case planning and internal research  
5.12 for preprobation, probation, and postprobation employment tracking of offenders sentenced  
5.13 to probation and preconfinement and postconfinement employment tracking of committed  
5.14 offenders;

5.15 (16) the state auditor to the extent necessary to conduct audits of job opportunity building  
5.16 zones as required under section 469.3201; ~~and~~

5.17 (17) the Office of Higher Education for purposes of supporting program improvement,  
5.18 system evaluation, and research initiatives including the Statewide Longitudinal Education  
5.19 Data System; and

5.20 (18) the Department of Education for the purposes of the school district unemployment  
5.21 insurance levy under section 126C.43, subdivision 2.

5.22 (b) Data on individuals and employers that are collected, maintained, or used by the  
5.23 department in an investigation under section 268.182 are confidential as to data on individuals  
5.24 and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3  
5.25 and 13, and must not be disclosed except under statute or district court order or to a party  
5.26 named in a criminal proceeding, administrative or judicial, for preparation of a defense.

5.27 (c) Data gathered by the department in the administration of the Minnesota unemployment  
5.28 insurance program must not be made the subject or the basis for any suit in any civil  
5.29 proceedings, administrative or judicial, unless the action is initiated by the department.

5.30 **EFFECTIVE DATE.** This section is effective the day following final enactment."

5.31 On R34, House language, (H4300-4)

5.32 Page 40, after line 13, insert:

- 6.1 "Sec. .... **REPEALER.**
- 6.2 Minnesota Statutes 2020, section 268.085, subdivision 8, is repealed.
- 6.3 **EFFECTIVE DATE.** This section is effective the day following final enactment."
- 6.4 Renumber the sections in sequence and correct the internal references
- 6.5 Amend the title accordingly

1.1 ..... moves to amend H.F. No. 4300, the first unofficial engrossment, in  
1.2 conference committee, as follows:

1.3 On R218, Senate language, (UEH4300-1)

1.4 Page 4, line 24, after "professionals" insert "employed by the Department of Education"

1.5 Page 4, line 25, delete "who is employed by the Department of Education"

1.6 Page 4, line 28, delete "an independent contractor and not"

1.7 Page 4, line 29, delete "the Department of Education" and insert "a service cooperative  
1.8 established under section 123A.21"

1.9 Page 4, line 30, after "data" insert "in partnership with the Department of Education  
1.10 literacy unit"

1.11 Page 4, line 32, after "practices" insert "based in the science of reading"

1.12 Page 4, line 33, after "personnel" insert "in partnership with the Department of Education  
1.13 literacy unit" and delete "and"

1.14 Page 5, line 1, delete the period and insert "in partnership with the Department of  
1.15 Education literacy unit; and"

1.16 Page 5, after line 1, insert:

1.17 "(4) facilitate the administration of LETRS training, including recruiting, registering,  
1.18 and tracking Minnesota teachers participating in the LETRS training, in partnership with  
1.19 the Department of Education literacy unit."

1.1 ..... moves to amend H.F. No. 4300, the fourth engrossment, in conference  
1.2 committee, as follows:

1.3 On R69, House language, (H4300-4)

1.4 Page 79, after line 14, insert:

1.5 "Sec. .... Minnesota Statutes 2020, section 121A.45, is amended by adding a subdivision  
1.6 to read:

1.7 Subd. 4. Dismissal of students in kindergarten through grade three. Notwithstanding  
1.8 subdivision 2, a pupil in kindergarten through grade 3 may only be dismissed in  
1.9 circumstances where the child poses a safety threat to the child or others."

1.10 Renumber the sections in sequence and correct the internal references

1.11 Amend the title accordingly